

Office Action Summary

Application No.

10/034,607

Applicant(s)

HOSOYA ET AL.

Examiner

Geraldine V Letscher

Art Unit

1752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 6-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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1. This Office Action is responsive to Amendment A filed August 14, 2003.

Applicants' amendments to the dependency of each of claims 7-11 and 17-20 affect the original grouping of claims. The Examiner agrees with applicants' remarks on page 12 regarding the grouping of the amended claims.

Election/Restrictions

2. Applicant's election without traverse of Group I in Paper No. 4 is acknowledged.

3. Claims 6-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 4.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over any one of Farid et al. (U.S. Patent No. 5,747,235), Gould et al. (U.S. Patent No. 5,994,051), Adin et al. (U.S. Patent No. 6,054,260) or Adin et al. (U.S. Patent No. 6,306,570) in view of Ishii et al. (U.S. Patent No. 6,261,750) and Morimoto (U.S. Patent No. 6,544,725).

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Each of Farid et al., Gould et al., Adin et al. ('260) and Adin et al. ('570) discloses a silver halide photographic light-sensitive material comprising a support having thereon at least one light-sensitive silver halide emulsion layer, wherein said material contains at least one compound inclusive of the instant formula (I).

Although each of Farid et al., Gould et al., Adin et al. ('260) and Adin et al. ('570) generally disclose that the inventive photographic material may further comprise image-modifying compounds capable of releasing photographically useful groups, there is no example illustrating the use of a compound capable of releasing a photographically useful group or its precursor and does not substantially form an image by the coupling reaction with the oxidized form of a developing agent. The compounds represented by the instant formula (II) and (III) capable of releasing a photographically useful group or its precursor and does not substantially form an image by the coupling reaction with the oxidized form of a developing agent are well known in the photographic art.

Ishii et al. discloses a silver halide color photographic light-sensitive material containing at least one light-sensitive layer containing a compound capable of releasing a photographically useful group or its precursor and does not substantially form an image by the coupling reaction with the oxidized form of a developing agent, said compound represented by the general formula (II) (column 15, line 56+) and (III) (column 29, line 17+), respectively inclusive of the instant formula (II) and (III). The experimental results therein illustrate that the use of said compound results in preferably small fog fluctuations.

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Although each of Farid et al., Gould et al., Adin et al. ('260) and Adin et al. ('570) generally disclose that the inventive photographic material may comprise tabular grains having some of the features such as the {100} or {111} faces or aspect ratio, there is no example illustrating the use of a silver halide emulsion comprising silver halide grains exhibiting all of the aspect ratio, dislocation lines, silver halide content, epitaxial junction and planes as presently claimed. The silver halide emulsion containing silver halide grains meeting the requirements of the instant claims are well known in the photographic art.

Morimoto discloses a light-sensitive silver halide material having excellent sensitivity/fog ratio, said material containing a silver halide emulsion comprising silver halide grains exhibiting the aspect ratio, dislocation lines, silver halide content, epitaxial junction and planes as presently claimed.

It would have been obvious to one of ordinary skill in the requisite art at the time the invention was made to utilize a compound capable of releasing a photographically useful group or its precursor and does not substantially form an image by the coupling reaction with the oxidized form of a developing agent, as taught in Ishii et al., in the silver halide photographic material of any one of Farid et al., Gould et al., Adin et al. ('260) and Adin et al. ('570), and to further utilize therein a silver halide emulsion containing silver halide grains meeting the requirements of the instant claims, as taught in Morimoto, with reasonable expectations of achieving, absent object evidence to the contrary, the advantages taught therein as well as those associated with the use of the compound, and the advantages gained from the use of the specific silver halide grains.

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Priority

6. The following prior art made of record and not relied upon is considered pertinent to applicants' disclosure: U.S. Patent No. 6,610,466, U.S. Patent No. 6,428,947: U.S. Patent No. 6,498,004.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geraldine V Letscher whose telephone number is 703-308-3208. The examiner can normally be reached on usually Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet C Baxter can be reached on 703-308-2303. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


Geraldine V Letscher
Primary Examiner
Art Unit 1752

9 September 2003